

**EXHIBIT E**

**TO THE DECLARATION OF STEVE W. BERMAN  
IN OPPOSITION TO MOTION TO COMPEL “PROPER ANSWERS”  
TO BMS’ CONTENTION INTERROGATORIES**



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July 14, 2004

**By Fax**

Robert Rhoad, Esq.  
Porter, Wright, Morris & Arthur, LLP  
1919 Pennsylvania Avenue, N.W.  
Suite 500  
Washington, D.C. 20006-3434

**Re: In re Pharmaceutical Industry Average Wholesale Price Litigation**

Dear Robert:

This confirms that the deposition of Dale Kramer R.Ph. – Kaiser's representative for purposes of Defendants' requested deposition – will take place on July 23, 2004 at Kaiser's headquarters at One Kaiser Plaza, Oakland, CA 94612 and that the deposition will commence at 1:00 P.M. (Pacific Time) and conclude by 5:00 P.M. (Pacific Time). Per your instructions, Counsel will report to the 22nd floor and ask for Mitchell Cohen.

As agreed, the scope of the deposition shall be limited to the following areas of inquiry:

1. An overview of Kaiser's business model, including an explanation of the methodologies Kaiser uses to track drug costs.
2. The meaning of the term "AWP" or "Average Wholesale Price."
3. Discounts, rebates and other incentives drug manufacturers have provided to pharmacies and health care providers.
4. The relative costs of administering drugs in physicians' offices as compared to in hospitals.
5. Kaiser documents concerning the foregoing issues.



Robert Rhoad  
July 14, 2004  
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We are copying plaintiffs' counsel on this correspondence to provide plaintiffs with the opportunity to attend. Please call if you have any questions.

Very truly yours,



Erik Haas

cc: All Counsel of Record (by verilaw)